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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,495	03/01/2004	Giuseppe Di Fabbrizio	2002-0355A	9524

26652 7590 08/08/2007

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EXAMINER	
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ART UNIT	PAPER NUMBER
2609	

MAIL DATE	DELIVERY MODE
08/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/790,495	DI FABBRIZIO ET AL.	
	Examiner	Art Unit	
	David Kovacek	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☒ Claim(s) *9,12 and 26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/01/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The disclosure is objected to because of the following informalities:

- On Page 5, the specification makes a reference to "DM," which is not yet defined within the specification. This notation is further used throughout the specification with no definition given. For the purposes of examination, it is assumed that "DM" refers to "dialog manager."
- Throughout the specification, the spellings of "reuse" and "re-use" are each used interchangeably. Though both are technically correct, to increase legibility one form should be chosen and used consistently throughout the specification.
- Throughout the specification, the spellings of "reusable" and "re-usable" are each used interchangeably. Though both are technically correct, to increase legibility one form should be chosen and used consistently throughout the specification.

Appropriate correction is required.

Claim Objections

3. **Claims 9-12** are objected to under 37 CFR 1.75(g) as being in improper form because **claims 9-12 12** are dependent upon **claim 6**, but appear after **claim 8**, the next claim not dependent upon **claim 6**.

4. **Claim 12** is objected to because of the following informalities:

- **claim 12** should read, "...includes input values that may be selected from a [the] list including..."

For the purposes of examination, this claim has been considered in both the original and edited forms.

Appropriate correction is required.

5. **Claim 26** is objected to because of the following informalities:

- **claim 26** should read, "...such that a [each] reusable subdialog can operate [operated] independent of the decision model of the top level flow controller..."

For the purposes of examination, this claim has been considered in both the original and edited forms.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-4, 21-27**, and **34-35** are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application 2002/0198719 hereinafter referred to as Gergic.

Regarding **claim 1**, Gergic discloses a dialog manager generated by:

- selecting a top level flow controller (Page 2, paragraph 0017, Page 2, paragraph 0021; Claim 1);
- selecting available reusable subdialogs for each application part below the top level flow controller, the reusable subdialogs being isolated from application dependencies (Page 3, paragraph 0045; Page 20, paragraph 0069; Claim 1);
- developing a subdialog for each application part not having an available subdialog (Page 2, paragraphs 0015-0016; Page 3, paragraph 0045; Page 20, paragraph 0069; Claim 1; Claim 3); and
- testing and deploying the spoken dialog service using the selected top level flow controller, selected reusable subdialogs and developed subdialogs, wherein

the top level flow controller, reusable subdialogs and developed subdialogs interact independent of their decision model (Page 25, paragraph 0132-0133).

Though Gergic does not specifically teach the act of testing and deploying the system for use, the examiner contends that this is known as standard practice for the development of any invention and as such is considered an inherent part of the method.

Regarding **claim 2**, Gergic discloses all limitations of **claim 1** as applied above, and further discloses the subdialogs manage mixed-initiative conversations with a user (Page 2, paragraph 0028; Page 25, paragraphs 0132-0133; Page 25, paragraphs 0140-0143; Claim 9).

Regarding **claim 3**, Gergic discloses all limitations of **claim 1** as applied above, and further discloses that application dependencies are declared outside of the subdialogs (Page 20, paragraph 0073).

It is noted by the examiner that though Gergic does not explicitly teach this limitation, it is inherent in disclosing that all dialogs may or may not include platform dependence according to the status of a supplied tag (Page 20, paragraph 0073).

It is further noted by the examiner that the broadest reasonable interpretation of the claim language neither excludes subdialogs from also having application dependencies, nor requires that any application dependencies necessarily apply only to the top level flow controller.

Regarding **claim 4**, Gergic discloses all limitations of **claim 3** as applied above, and further discloses that application dependencies are part of the top level flow controller (Page 20, paragraph 0073).

It is noted by the examiner that Gergic discloses similar structure of both dialog and subdialog components, including for the dialog component acting as the top level flow controller. Therefore the examiner contends that this is inherent in disclosing that all dialogs may or may not include platform dependence according to the status of a supplied tag (Page 20, paragraph 0073), and this claim is rejected for reasons similarly applied to **claim 3** above.

Regarding **claim 21**, Gergic discloses all limitations of **claim 1** as applied above, and further discloses a local context within a dialog data file associated with the dialog manager (Page 24, paragraph 0124; Page 25, paragraph 0140; Page 25, paragraph 0143).

Though Gergic does not explicitly disclose the local context of data files with the dialog manager, this is an inherent feature of an apparatus that can discriminate incoming data amongst subdialogs as disclosed by Gergic.

Regarding **claim 22**, Gergic discloses a dialog manager that supports context shifts generated by a method of:

- selecting a top level dialog flow controller (Page 2, paragraph 0017; Page 2, paragraph 0021);

- selecting available reusable subdialogs for being invoked by the top level flow controller, the reusable subdialogs being isolated from application dependencies (Page 2, paragraph 0015; Page 3, paragraph 0045; Page 20, paragraph 0069); and
- testing and deploying the spoken dialog service using the selected top level flow controller and selected reusable subdialogs, wherein when a user of the system changes the context of the spoken dialog while in a reusable subdialog, a context shift returns a context shift indication and sets a state in the top level flow controller (Page 25, paragraphs 0133-0138).

Though Gergic does not specifically teach the act of testing and deploying the system for use, the examiner contends that this is known as standard practice for the development of any invention and as such is considered an inherent part of the method.

It is further noted by the examiner that the broadest reasonable interpretation of "a context shift returns a context shift indication and sets a state in the top level flow controller" according to one of ordinary skill in the art at the time the invention was made would include the condition of the parent dialog able to discriminate which of a set of parallel processes is applicable to input as is taught (Page 25, paragraphs 00133-0138) and further implied (Page 25, paragraph 0144) by Gergic.

Regarding **claim 23**, Gergic discloses all limitations of **claim 22** as applied above, and further discloses when a top level flow controller receives a context shift from a subdialog and invokes a new subdialog as part of processing the context shift,

the new subdialog inherits information associated with the context shift (Page 24, paragraphs 0124-0125; Page 25, paragraph 0133; Page 25, paragraph 0140).

Regarding **claim 24**, Gergic discloses all limitations of **claim 23** as applied above, and further discloses when a user of the system changes the context of the spoken dialog while in a reusable subdialog, the context shift returns a message to the parent dialog that a context shift has occurred (Page 24, paragraphs 0124-0125; Page 25, paragraphs 0134-0138).

It is noted by the examiner that this is an inherent feature of the case where mixed initiative interaction is allowable using subdialogs having different parent dialogs as disclosed by Gergic.

Regarding **claim 25**, Gergic discloses all limitations of **claim 23** as applied above, and further discloses that a context shift is triggered by user input and generates a state name where the shift goes (Page 24, paragraph 0123).

It is noted by the examiner that an invocation which causes the execution of a new subdialog in parallel with other dialogs as disclosed by Gergic could be reasonably interpreted by one of ordinary skill in the art at the time the invention was made to be synonymous with this claim.

Regarding **claim 26**, Gergic discloses a dialog manager generated according to a method comprising:

- selecting a top level flow controller based on application type, the top level flow controller having application-dependent features (Page 20, paragraph 0073) such that
- each reusable subdialog can operate independent of the decision model of the top level flow controller and the decision models of other reusable subdialogs (Page 25, paragraphs 0132-0133);
- determining at least one application part below the top level flow controller, each application part requiring a different flow controller (Page 3, paragraph 0044; Page 20, paragraph 0069); and
- selecting available reusable subdialogs for each application part (Page 3, paragraph 0044; Page 20, paragraph 0069; Claim 1).

Though Gergic does not specifically teach the act of testing and deploying the system for use, the examiner contends that this is known as standard practice for the development of any invention and as such is considered an inherent part of the method.

It is further noted by the examiner that "the top level flow controller having application-dependent features" would be reasonably interpreted by one of ordinary skill in the art at the time the invention was made as including the condition of a top level dialog having platform dependencies as disclosed by Gergic (Page 20, paragraph 0073).

Regarding **claim 27**, Gergic discloses all limitations of **claim 26** as applied above, and further discloses that the dialog manager is further generated by developing

a subdialog for each application part not having an available subdialog (Page 2, paragraph 0015-0016; Page 3, paragraph 0045; Page 20, paragraph 0069; Claim 1; Claim 3).

Regarding **claim 34**, Gergic discloses all limitations of **claim 26** as applied above, and further discloses that the selected available reusable subdialogs handle context shifts by a user by returning control and a destination state to the top level flow controller (Page 25, paragraph 0133; age 25, paragraph 0140).

It is noted by the examiner that this limitation is inherent in a system that allows for mixed-initiative operation using parallel dialogs as disclosed by Gergic.

Regarding **claim 35**, Gergic discloses all limitations of **claim 26** as applied above, and further discloses that selected available reusable subdialogs contain no application dependencies (Page 20, paragraph 0073).

It is noted by the examiner that though Gergic discloses that some subdialogs may contain application dependencies (Page 20, paragraph 0073), it is also disclosed that it is possible none of the subdialogs contain application dependencies (Page 20, paragraph 0073).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 5-14**, **28-33**, and **36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gergic in view of US Patent Application 2003/0105634 hereinafter referred to as Abella.

Regarding **claim 5**, Gergic discloses all limitations of **claim 1** as applied above, and additionally discloses available dialogs related to mixed initiative (Page 2, paragraph 0028; Page 25, paragraphs 0132-0133; Page 25, paragraphs 0140-0143; Claim 9), but does not adequately disclose that available reusable subdialogs are selected from a group comprising telephone number, social security number, account number, address, e-mail address and name.

Abella discloses a voice directory application that provides spoken access to information including telephone number, address, and other employee information (Page 4, paragraph 0042).

Though Abella does not explicitly teach the inclusion of social security number, account number, or e-mail address, the broadest reasonable interpretation of "employee

information" as disclosed by Abella would include this data to one of ordinary skill in the art at the time the invention was made.

The two references are combinable because both teach a method and apparatus for spoken dialog management. Motivation to combine is inherent because the disclosure of Abella provides exemplary usage that is applicable to the teachings of Gergic. Abella further provides motivation to combine in disclosing specific subdialogs that are useful as components of reusable dialog systems (Page 2, paragraph 0019).

Therefore, the examiner contend that it would have been obvious to one of ordinary skill in the art to modify the teachings of Gergic using the teachings of Abella in order to implement a reusable dialog system that takes advantage of the functional subdialogs disclosed by Abella.

It is further noted by the examiner that one of ordinary skill in the art at the time the invention was made would consider Abella's usage of "dialog motivator" to be synonymous with the current application's usage of "subdialog."

Regarding **claim 6**, Gergic discloses all limitations of **claim 1** as applied above, but does not explicitly disclose that an available reusable subdialog is an input subdialog.

Abella discloses that an available reusable subdialog is an input subdialog (Fig. 3, item 106; Page 3, paragraph 0037-0038).

Regarding **claim 7**, Gergic in view of Abella discloses all limitations of **claim 6** as applied above, and Abella further discloses that the input subdialog comprises a confirmation component (Page 2, paragraph 0019; Page 5, paragraph 0096 – Page 6, paragraph 0101).

Regarding **claim 8**, Gergic discloses all limitations of **claim 1** as applied above, but does not disclose that subdialogs provide information to the user without receiving user input.

Abella discloses that the system at minimum will independently provide the user with confirmation of successful connection to the system (Page 3-4, paragraph 0041). Numerous explicit examples of this are provided throughout the disclosure of Abella (Page 5, paragraph 0062; Page 5, paragraph 0066; Page 5, paragraph 0071; Page 5, paragraph 0086; Page 5, paragraph 0092).

It is noted by the examiner that though Abella does not explicitly disclose this behavior as providing information to the user without receiving user input, the broadest reasonable interpretation of the claim by one of ordinary skill in the art at the time the invention was made would include the disclosure of Abella as applied above.

Regarding **claim 9**, Gergic in view of Abella discloses all limitations of **claim 6** as applied above, and Abella further discloses an input subdialog handling silence, rejection, low confidence NLU scores and explicit information as input from the user

(Page 5, paragraphs 0060-0065; Page 5, paragraphs 0070-0073; Page 5, paragraphs 0091-0095).

It is noted by the examiner that "explicit information" as input from the user would be reasonably considered by one of ordinary skill in the art at the time the invention was made to be normal operation of the system.

It is further noted by the examiner that the broadest reasonable interpretation of "natural language understanding (NLU)" by one of ordinary skill in the art at the time the invention was made would include Abella's disclosure of "spoken language understanding (SLU)."

Regarding **claim 10**, Gergic in view of Abella discloses all limitations of **claim 9** as applied above, and Abella further discloses that the reusable input subdialog presents at least one pre-assigned prompt to the user in special circumstances (Page 5, paragraphs 0060-0065; Page 5, paragraphs 0069-0073; Page 5, paragraphs 0091-0095).

Regarding **claim 11**, Gergic in view of Abella discloses all limitations of **claim 10** as applied above, and Abella further discloses that the reusable input subdialog presents a confirmation prompt to the user if an NLU value is returned with a low confidence score (Page 5, paragraphs 0065; Page 5, paragraph 0069).

Regarding **claim 12**, Gergic in view of Abella discloses all limitations of **claim 6** as above, and Abella further discloses that the input subdialog includes input values selected from a list.

It is noted by the examiner that though Abella does not explicitly disclose this limitation, this is implied by Abella's disclosure of subdialogs designed to handle error-handling, disambiguation, assumption, confirmation, missing information, and continuation (Page 5, paragraph 0059). Explicit examples of some of these contexts are further provided in the disclosure (Page 5, paragraph 0061 – Page 7, paragraph 0147).

Regarding **claim 13**, Gergic discloses all limitations of **claim 1** as applied above, but does not disclose that an available reusable subdialog is a billing subdialog.

Abella discloses that the system can be used for the purpose of customer service, including access to billing information (Page 4, paragraph 0043).

Regarding **claim 14**, Gergic discloses all limitations of **claim 1** as applied above, but does not disclose that an available reusable subdialog is a credit card subdialog.

Abella implies access to a credit card subdialog in disclosing that the system can be used for the purpose of customer service, including access to billing information (Page 4, paragraph 0043).

The examiner contends that one of ordinary skill in the art at the time the invention was made would reasonably consider credit card information to be data relevant to billing information.

Regarding **claim 28**, Gergic discloses all limitations of **claim 26** as applied above, but does not explicitly disclose that an available reusable subdialog is an input subdialog.

Abella discloses that an available reusable subdialog is an input subdialog (Fig. 3, item 106; Page 3, paragraph 0037-0038).

It is further noted by the examiner that voice input is an inherent feature of any system of dialog management that is intended for use via spoken word, as is disclosed by both Gergic and Abella.

Regarding **claim 29**, Gergic discloses all limitations of **claim 26** as applied above, but does note explicitly disclose that an available input subdialog includes a confirmation component.

Abella discloses that an available input subdialog includes a confirmation component (Page 2, paragraph 0019; Page 5, paragraph 0096 – Page 6, paragraph 0101).

Regarding **claim 30**, Gergic in view of Abella discloses all limitations of **claim 29** as applied above, and Abella further discloses an input subdialog handling silence,

rejection, low confidence NLU scores and explicit information as input from the user (Page 5, paragraphs 0060-0065; Page 5, paragraphs 0070-0073; Page 5, paragraphs 0091-0095).

It is noted by the examiner that "explicit information" as input from the user would be reasonably considered by one of ordinary skill in the art at the time the invention was made to be normal operation of the system.

Regarding **claim 31**, Gergic in view of Abella discloses all limitations of **claim 30** as applied above, and Abella further discloses that the reusable input subdialog presents at least one pre-assigned prompt to the user in special circumstances (Page 5, paragraphs 0060-0065; Page 5, paragraphs 0069-0073; Page 5, paragraphs 0091-0095).

Regarding **claim 32**, Gergic in view of Abella discloses all limitations of **claim 29** as applied above, and Abella further discloses that the reusable input subdialog presents a confirmation prompt to the user if an NLU value is returned with a low confidence score (Page 5, paragraphs 0065; Page 5, paragraph 0069).

Regarding **claim 33**, Gergic discloses all limitations of **claim 26** as applied above, but does not disclose that available reusable input subdialogs are selected independent of their decision models.

Abella discloses that available reusable input subdialogs are selected independent of their decision models (Page 5, paragraphs 0059).

It is noted by the examiner that though Abella does not explicitly disclose the selection of subdialogs is independent of decision models, it is disclosed that the selection of subdialogs in Abella is determined by a priority of selection. Because the priority of selection can be independent of the decision models of the subdialogs, the broadest reasonable interpretation of the claim to one of ordinary skill in the art at the time the invention was made would include the disclosure of Abella.

Regarding **claim 36**, Gergic discloses all limitations of **claim 26** as applied above, but does not disclose that available reusable subdialogs are selected from the group related to a dialog with the user associated with a telephone number, a social security number, an account number, an e-mail address, and a home or business address.

Abella discloses a subdialog selected from a group related to information including telephone number, address, and other employee information (Page 4, paragraph 0042).

Though Abella does not explicitly teach the inclusion of social security number, account number, e-mail address, or home and/or business address, the broadest reasonable interpretation of "employee information" as disclosed by Abella would include this data to one of ordinary skill in the art at the time the invention was made.

8. **Claims 15-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gergic in view of US Patent 5,699,456 hereinafter referred to as Brown.

Regarding **claim 15**, Gergic discloses all limitations of **claim 1** as applied above, but does not adequately disclose that the top level flow controller is a recursive transition network flow controller.

Brown discloses the use of recursive transition network controllers in a speech recognition system (Fig. 5; Col. 7, lines 21-29).

The two references are combinable because each teaches an invention relating to speech recognition control. Brown further provides motivation to combine in disclosing the usefulness of recursive transition networks in reducing the necessary size of speech recognition grammars (Col. 7, lines 21-29; Col. 7, lines 35-39). This is inherently practical in reducing data storage requirements.

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gergic with the teachings of Brown in order to implement a spoken dialog management system with a smaller minimum grammar size for the purpose of reducing data storage requirements.

Regarding **claim 16**, this claim is very similar to **claim 7** and is rejected for the same reasons.

It is noted by the examiner that there is no limitation presented by Gergic in view of Brown excluding the situation where both the top level flow controller and one or more available reusable subdialogs are recursive transition network flow controllers.

Regarding **claim 17**, Gergic in view of Brown discloses all limitations of **claim 15** as applied above, and Brown further teaches the use of rule-based flow controllers (Fig. 5; Col. 7, lines 21-29).

It is noted by the examiner that the broadest reasonable interpretation of one of ordinary skill in the art at the time the invention was made could include recursive transition networks as a subset of all rule-based flow controllers.

It is further noted by the examiner that there is no limitation presented by Gergic in view of Brown excluding the situation where both the top level flow controller and one or more available reusable subdialogs are recursive transition network flow controllers.

Regarding **claim 18**, Gergic in view of Brown discloses all limitations of **claim 15** as applied above, and Gergic further discloses that at least one state in a recursive transition network flow controller has a subdialog attribute that is the name of the flow controller invoked as a subdialog (Page 4, paragraphs 0055-0056; Page 24, paragraph 0123).

Regarding **claim 19**, Gergic in view of Brown discloses all limitations of **claim 18** as applied above, and Gergic further discloses a set of instructions that retrieve values from a parent dialog and set values in the invoked subdialog (Page 4, paragraph 0056).

Regarding **claim 20**, Gergic in view of Brown discloses all limitations of **claim 19** as applied above, and Gergic further discloses that each invoked subdialog includes a set of instruction that returns control to the parent dialog and passes retrieved values from the invoked dialog to the parent dialog upon exiting the invoked subdialog (Page 4, paragraph 0056; Page 24, paragraph 0123).

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement..

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. **Claims 1-5**, and **7-16** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1-2**, **5-7**, **15-19**, and **21-25** of copending Application No. 10790218. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter of **claims 1-5**, and **7-16** overlaps with that of **claims 1-2**, **5-7**, **15-19**, and **21-25** of copending Application No. 10790218.

An example of the comparison between the claim language of the two applications is shown below for **claim 1**:

Language in Current Application	Language in 10790218	Comparison
1. A dialog manager for use within a spoken dialog service, the dialog manager generated according to a method comprising:	1. A method of generating a dialog manager for a spoken dialog service, the method comprising:	Though the current application's claim language is directed to an apparatus and the language of 10790218 is directed to a method of generating said apparatus, the only limitations for the apparatus claimed in the current application pertain to the method of generating said apparatus.
selecting a top level flow controller;	selecting a top level flow controller;	These limitations are identical.
selecting available reusable subdialogs for each application part below the top level flow controller, the reusable subdialogs being isolated from the application dependencies;	selecting available reusable subdialogs below the top level flow controller, the reusable subdialogs being isolated from application dependencies;	These limitations are nearly identical. The only difference is the specification of "each application part" below the top level flow controller in the current application's claim language, which if given the broadest reasonable interpretation of the claim has the same scope as the language scene in 10790218.
developing a subdialog for each application part not having an available subdialog; and	developing a subdialog for each application part not having an available subdialog; and	These limitations are identical.
testing and deploying the	testing and deploying the	These limitations are identical.

spoken dialog service using the selected top level flow controller, selected reusable subdialogs and developed subdialogs, wherein the top level flow controller, reusable subdialogs and developed subdialogs interact independent of their decision model.	spoken dialog service using the selected top level flow controller, selected reusable subdialogs and developed subdialogs, wherein the top level flow controller, reusable subdialogs and developed subdialogs interact independent of their decision model.	

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Matthews et al. (US Patent 4,580,012) teaches a voice message system with automatic user access features.
- Sweet et al. (US Patent 5,179,627) teaches a digital system for data entry using voice dictation input.
- Cote et al. (US Patent 6,125,347) teaches a system for controlling multiple user applications using voice input.
- Son et al. (US Patent 6,212,408) teaches a method and system for controlling a communication device using voice input.
- Papineni et al. (US Patent 6,246,981) teaches a dialog management system and method.

- Hunt et al. (US Patent 6,347,226) teaches a system and method for using custom speech recognition grammars to control a computer program.
- Tzirkel-Hancock et al. (US Patent Application 2002/0032566) teaches a system and method of speech recognition using dynamic grammar building.
- Gergic et al. (US Patent Application 2002/0198719) teaches a dialog system using VoiceXML.
- St. John (US Patent Application 2003/0023444) teaches a system for navigating the Internet using voice input.
- Gong et al. (US Patent Application 2004/0006474) teaches a dynamically generated grammar for voice-enabled applications.
- Galanes et al. (US Patent Application 2004/0073431) teaches a dialog management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kovacek whose telephone number is (571) 270-3135. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2609

DMK 08/03/2007